Homicide by Chain Gang Convict.—The Supreme Court of Georgia, in reversing a conviction for murder, holds, in the case of Westbrook *v.* State, 66 Southeastern Reporter 788, that convicts are human, subject to passions as other men, and entitled to similar rights under the criminal laws of the state. The evidence went to show that Westbrook killed a fellow convict while under heat of passion, engendered by an attempt on the part of the warden to inflict corporal punishment upon him, and that the deceased, with other convicts fastened to the same chain as defendant, were giving some small assistance to the warden. It seems at least doubtful whether the officer was not exceeding his authority in his attempted punishment. If this were true, the killing of the warden himself would have been reduced to voluntary manslaughter, and no greater crime would have resulted in the killing of a fellow convict, aiding and abetting the officer in his unlawful assault. The Supreme Court held that an instruction on the law of voluntary manslaughter should have been given, and reversed the conviction of murder.

Injury Caused by Discharge of Insane Patient from Hospital.—Defendants, in Bollinger *v.* Rader, 66 Southeastern Reporter, 314, were officers of the North Carolina State Hospital for Insane. Acting under the statute giving them power to discharge or remove any person found to be sane or incurable, they discharged a patient who, about six months later, killed a young girl, for whose death the action was prosecuted on the ground that defendants were negligent in turning the patient loose, and that the death would not have occurred had they properly performed their duties. The North Carolina Supreme Court could not be induced to believe that the death was something that might reasonably or probably have been expected to follow from the acts of defendants, saying that: "It may be that if they had kept Rader confined in the state hospital he might not have killed her, but it is equally true that if he had never been born or had never become insane he would not have killed her. The discharge of Rader, his absence from the hospital, his presence in Catawba county, and his presence at church on the day of the homicide, was a mere condition which accompanied, but did not cause, the injury. * * * Counsel pertinently ask, 'Is the absence of the policemen from his beat and this dereliction of duty on his part the cause of a burglary which happens in his absence?'" Judgment sustaining a demurrer to the complaint was sustained.

Dying Declarations.—The admissibility in evidence of certain dying declarations is discussed by the Louisiana Supreme Court in State *v.* Brady, 50 Southern Reporter, 806. After saying that he

knew he was going to die and in connection with his statement as to who shot him, deceased used some profane language. This was contended by counsel to show an absence of any feeling of solemnity supposed to be present in case of the belief of impending death. It was shown also that the attending physician kept telling deceased that he would recover, but there was nothing to indicate that these assurances were believed at the time. The court held that neither ground of objection was sufficient to prevent the admissibility of the testimony, remarking that it is common knowledge that persons addicted to the use of curse words use them almost unconsciously on solemn occasions, and that so far as the question of belief in impending death is concerned it is the belief of decedent himself, and not that of the physician, that governs.

Corporations Prohibited from Practicing Law.—Appellant Co-operative Law Company was organized for the purpose of practicing law through its staff of attorneys under the business corporations law of New York, which provided that three or more persons might become a stock corporation for any lawful business. A number of years later a statute was passed prohibiting the practice of law by any corporation, excepting, however, any corporation lawfully engaged in a business authorized by any previous statute. Appellant applied for and received an order pursuant to the latter statute from the Appellate Division of the Supreme Court approving the continuance of its business. Application was then made by the Brooklyn Bar Association to vacate the order. The order was vacated. From that order appellant appealed. The New York Court of Appeals in Re-Corporative Law Co., 92 Northeastern Reporter 15, holds that a lawful business, within the meaning of the business corporations law, is one lawful to all who engage in it, and does not include the business of practicing law; that the right to practice law is in the nature of a franchise from the state conferred only for merit, and, as it is a lawful business only for members of the bar who have complied with all the conditions required by statute and the rules of the courts, conditions which cannot be performed by a corporation, the practice of law is not a lawful business for a corporation to engage in; that if a corporation were allowed to practice law there would be no remedy by attachment or disbarment to protect the public from imposition or fraud, no stimulus to good conduct from the traditions of an ancient and honorable profession, the corporation attorney's master being not the client but the corporation conducted probably by laymen, organized simply to make money, and not to aid in the administration of justice, the highest function of an attorney.